C.F/1300-00

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 1530 /2001

PETITIONERS : 1. Om Prakash Kothari,
S/o Girdharilal Kothari,
aged about 39 years,
R/o Jwellery Shop, Gol Bazar,
Dongargarh(Rajnandgaon).

2. C.P.Mishra,
S/o S.K.Mishra,
aged about 38 years,
Advocate, Dongargarh.

P.R. No. 16/2/07
Presented by Shri Prabhat K. Mishra/Petitioner.
dated 17.8.07

3. Ashish Singh
S/o K.B.Singh,
aged about 27 years,
Trustee., Dongargarh.

4. Daulat Mishra,
S/o Shri Mathura Prasad
Mishra, aged about 36 years,
Trustee., Dongargarh.

5. Navneet Tiwari,
S/o Shri S.K.Tiwari,
aged about 32 years,
Trustee., Dongargarh.

6. Mahendra Agarwal
S/o Late Hari Shankar Ji
Agarwal, aged about 39 years,
Occupation- Shopkeeper,
Kumharpara, Dongargarh.

7. Anil Bose
S/o Shri Harendralal Bose,
aged about 29 years,
Occupation-Shopkeeper,
Kalkapara, Ward No. 8
Dongargarh.

8. Girdhari Lal Agarwal
S/o Shri Ramdeoji Agarwal,
aged about 35 years,

(10)

Occupation-Shopkeeper,
Jaistambh Chowk, Ward No.10,
Dongargarh.

9. Suresh Barman,
S/o Shri Anarilal Barman,
aged about 32 years,
Shilpkar(Artist),
Rajeev Nagar, Ward No.-9 ,
Dongargarh.

10. Santosh Bahekar
S/o Hari Hannuji Bahekar,
aged about 30 years,
Occupation- Shopkeeper,
Kalka Ward No.8, Dongargarh.

11. Jagdish Dewangan,
S/o Shri Manohar Dewangan,
aged about 50 years,
Shopkeeper, Bhagatsingh Chowk,
Ward No.15, Dongargarh.

12. Bhimrao Phule,
S/o Jhinger Phule,
aged about 51 years,
Shopkeeper, Sanjay Nagar,
Ward No.1, Dongargarh.

13. Sanjay Jahol,
S/o Ramesh Jahol Ji,
aged about 28 years,
Shopkeeper, Kalkapara,
Ward No.8, Dongargarh.

- Versus -

RESPONDENTS: 1. State of Chhattisgarh
Throgh: Secretary,
Dharmik Nyas Mantralaya,
D.K.Bhawan, Raipur.

2. Collector,
Rajnandgaon.

(11)

3. Registrar,
   Public Trust,
   Dongargarh,
   District-Rajnandgaon.

4. President,
   Ma Bamleshwari Mandir Trust Samiti,
   Dongargarh, Rajnandgaon.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION.

(272)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 1530 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

01.11.2003

Shri V.C. Ottalwar with Shri Rajeev Shrivastava, counsel for the petitioner.

Shri Rajesh Pandey, Govt. Advocate for the State/respondents No. 1, 2 & 3.

Shri P.K.C. Tiwari, counsel for respondent No. 4.

Heard on I.A. No. 8741/2003 for taking additional documents on record.

Counsel for the parties have no objection in allowing this application.

The application {I.A. No.8741/2003} is allowed.

Documents are taken on record.

Counsel for the parties submit that instead of hearing the matter in vacation, it be heard and disposed of finally.

With the consent of the parties the matter is heard finally.

By this petition filed under Article 226/227 of the Constitution of India petitioners are challenging the amendment made in the by-laws of the Trust. Clause 2 & 3 of the reliefs sought in the petition are pertinent and quoted herein below:-

i) *"This Hon'ble Court may kindly be pleased to set aside the amendments in the by-laws.*

ii) *This Hon'ble Court may kindly be pleased to direct the s no.1 to 3 to take proper action so that no arbitrary amendment can be taken place in the be-laws of the Trust."*

(273)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 1530 सन् 2001

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	Counsel for the respondents submitted that an application was filed before the Sub-Divisional Officer and sub-divisional Officer submitted the report to the District Judge. On that basis, the District Judge registered the M.J.C. 19/2001 and has passed the orders on 02.5.2003. It is submitted that the election had already taken place and the results thereof have not been declared as per the orders of this Court. Counsel for the parties jointly submitted that the results be declared. They also submitted that so far as the challenge regarding amendment in by-laws is concerned parties be given liberty to avail the remedy before the Registrar of Public Trust. As prayed for by the parties, the matter is disposed of with liberty to the parties to raise the questions before the Registrar of Public Trust/or any other Competent Authority as per law. In view of the above, this petition is disposed of. Consequently, M.W.P.244 of 2001 and I.A.8742 of 2003 also stand disposed of. C.C. as per the rules. **Sd/-** **Fakhruddin** **Judge**	

JRoo1

GRPRJ—FS/350—12/2000—50,000.